

### **REMARKS/ARGUMENTS**

This amendment is submitted in response to the Office Action dated November 25, 2005. After entry of this amendment, claims 1-6 will be pending in the application. The claims have been amended to address the objections made by the Examiner. Reconsideration and allowance is respectfully requested in view of the amendments made and the remarks made below.

#### **1. Claim Objections**

Claims 1-6 were objected to for various grammatical errors, for lacking antecedent basis, and for lacking clarity. The Applicant has amended claims 1-6 in order to clarify the language and to address the various errors noted in the Office Action. The Applicant respectfully submits that the claims as amended overcome the objections noted by the Examiner and further clarify the language of the claims.

#### **2. The Rejection Under 35 U.S.C. § 102(b)**

Claims 1-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,487,963 to Wu (hereinafter "Wu"). The Applicant respectfully submits that Wu does not meet each and every limitation of independent claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Wu discloses a grill device that has a lower grill unit 3, an upper grill unit 4, and a pressing element 323. Wu discloses rear portions 312 and 412 and a spring biased restricting element 52. The Office Action calls elements 433 "rotatable arms", however, Wu clearly calls element 433 both the left and right pivot. See col. 3, lines 1-2 and Figs. 4A and 4B. Elements 433 are not rotatable arms, but are instead stationary projections that enter into and out of pivot seat 332. Therefore, Wu does not disclose having rotatable arms as required by claim 1, since the left and right pivots 433 are not rotatable. For at least this reason Wu does not meet each and every limitation of claim 1.

Furthermore, Wu does not disclose having a locking plate that is movably attached on the lower housing, as required by claim 1. In Wu, the locking plates would have to be parts of pivot seat 332, however pivot seat 332 does not move and instead merely receives pivot elements 433. For at least this reason Wu does not meet each and every limitation of claim 1.


Additionally, Wu does not have a button that is linked with a movable locking plate, as required by claim 1. Instead, Wu has a pressing element 323 that is used to move restricting element 52 so that arm portions 512 enter into and out of pivot seat 332. For at least this reason Wu does not meet each and every limitation of claim 1.

Therefore, Wu does not meet a number of the limitations found in claim 1. Wu is disclosing an entirely separate means for opening and closing a grill device than that found within the instant Application and claimed in claim 1. The Applicant respectfully submits that claim 1 is in condition for allowance and earnestly requests notice to that effect. Furthermore, claims 2-6 are also in condition for allowance by virtue of their dependence on allowable claim 1.

### **3. Conclusion**

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

  
Tod A. Kupstas  
Registration No. 54,917

Date: November 23, 2005

KNOBLE YOSHIDA & DUNLEAVY, LLC  
Eight Penn Center- Suite 1350  
1628 John F. Kennedy Boulevard  
Philadelphia, PA 19103  
(215) 599-0600